

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERMAINE MOORE	:	CIVIL ACTION
	:	
v.	:	NO. 14-133
	:	
CITY OF PHILADELPHIA, et. al.	:	

PLAINTIFF'S PRETRIAL MEMORANDUM

Plaintiff, Jermaine Moore, hereby submits the following Pretrial Memorandum. Plaintiff reserves the right to amend and/or supplement this Pretrial memorandum prior to trial.

I. BRIEF STATEMENT OF ACTION AND JURISDICTION

Plaintiff asserts civil rights claims pursuant to 42 U.S.C. Section 1983 for violations of his civil rights under the United States Constitution, cruel and unusual punishment under the Eighth Amendment and various state law claims. Jurisdiction is based upon 28 U.S.C. sections 1331 and 1343.

II. BRIEF STASTEMENT OF THE FACTS

On April 14, 2011, when the plaintiff was being admitted into CFCF, he was assaulted and battered by the correctional officer defendants. The defendants used excessive force against the plaintiff who had just wanted to go to the bathroom.

The plaintiff was subject to excessive force and received injuries to his left eye, face and right shoulder. As a result thereof, the plaintiff also suffered severe emotional trauma and was deprived of his rights and liberties.

III. WITNESSES

A. Liability Witnesses

1. Plaintiff, Jermaine Moore

2. Defendant, Jason Grundy
3. Defendant, Michael Capers
4. Defendant, Carlos White
5. Defendant, Majovie Billups
6. Correctional Officer Enrique Marin
7. Correctional Officer Daisy Ortiz
8. Correctional Officer Nadira Harris
9. Correctional Officer Marvin Luckey
10. Correctional Officer Josette Brittingham
11. Correctional Officer Donovan Bynum
12. Correctional Officer Robert Farrell, Jr.
13. Correctional Officer Sasha James
14. Correctional Officer James Palmer
15. Correctional Officer Sergeant Keisha Reynolds
16. Correctional Officer Lieutenant James Hamilton
17. Correctional Officer Donald Haslam
18. Northeast Detective Sean Welsh
19. DHO Ruhland

Plaintiff reserves the right to further supplement this list.

B. DAMAGE WITNESSES

1. Plaintiff, Jermaine Moore
2. Prison Health and its Designee(s)
3. Wills Eye Hospital Custodian of Records

4. Doctor designated by Wills Eye Hospital
5. Dr. Bakhelet, Wills Eye Hospital
6. Dr. Tibbets, Wills Eye Hospital
7. Any of the defendants as necessary
8. DHO Ruhland

Plaintiff reserves the right to further supplement this list.

IV. PLAINTIFF'S TRIAL EXHIBITS

1. Photos of Plaintiff post-incident
2. Complaint filed by Plaintiff
3. Inmate Grievance
4. Video
5. Misconduct Report
6. Inmate Housing Information
7. Inmate Account of "Involvement in Use of Force Incident Form
8. Sick Call Request
9. Nadira Harris Mugshot and Memo
10. Daisy Ortiz Mugshot and Memo
11. Josette Brittingham Mugshot
12. Donovan Bynum Mugshot
13. Robert Fuller Mugshot
14. Sasha James Mugshot
15. Enrique Marin Mugshot
16. James Palmer, III Mugshot

17. James Grundy Mugshot, Narrative of Inmate Misconduct (2), Report of Use of Force, Hearing Testimony, Misconduct Disposition, Hearing Testimony Summary
18. Disciplinary Sheet and Hearing Forms
19. Michael Capers Mugshot and Report of Use of Force
20. Majovie Billups Mugshot and Report of Use of Force
21. Carlos White Mugshot and Report of Use of Force
22. Marvin Luckey Memorandum
23. CFCF Roster for April 14, 2011
24. Sgt. Keisha Reynolds Memorandum
25. Correctional Officer Donald Haslam Memorandum
26. Correctional Officer Robert Farrell
27. James Hamilton Summary Report Regarding The Use of Force
28. Memo 4/29/11 pertaining to Video
29. Police Reports Detective Welsh
30. Investigation Report by Lt. Hamilton
31. Special Management Forms
32. Inmate Segregation and Housing Forms
33. Inmate Disciplinary Record
34. Prison Medical Records including the Wills Eye Records
35. Wills Eye Records

Plaintiff reserves the right to further supplement or modify this list. Note: Depositions of the Defendants and/or defense witnesses will and/or may be used for impeachment or admission purposes.

V. DEPOSITION DESIGNATIONS

Plaintiff intends on using the deposition transcripts of the defendants for purposes of impeachment or admissions only unless there are any stipulations with counsel.

VI. ESTIMATED TRIAL TIME

Plaintiff estimates two days for the presentation of his case in chief.

/s/ Rania M. Major, Esquire

Rania M. Major, Esquire

Attorney for Plaintiff

Attorney ID# 51298

2915 North 5th Street

Philadelphia, PA 19133

(215) 291-5009